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DEPARTMENT OF EDUCATION

34 CFR Part 690

[Docket ID ED-2012-OPE-0006]

RIN 1840-AD11

Federal Pell Grant Program; Correction

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Interim final rule; correction.

SUMMARY: The Secretary of Education is correcting the Federal Pell Grant Program interim final rule published in the Federal Register on May 2, 2012 (77 FR 25893). We waived rulemaking and the delayed effective date under the Administrative Procedure Act in this interim final rule, but we did not expressly waive the 60-day time period for a major rule to become effective under the Congressional Review Act. Through this document, we correct this omission. We do not change any other aspect of the interim final rule, and its regulatory text remains unchanged.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Jacquelyn Butler, U.S. Department of Education, 1990 K Street NW., room 8053,

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SUPPLEMENTARY INFORMATION:

We make the following correction to the Federal Pell Grant Program interim final rule:

On page 25898, in the first column, replace the last paragraph under the heading Waiver of Rulemaking and Delayed Effective Date with the following two paragraphs:

The Administrative Procedure Act (APA) generally requires that regulations be published at least 30 days before their effective date, unless the agency has good cause to implement its regulations sooner (5 U.S.C. 553(d)(3)). In addition, this interim final rule has been determined to be a major rule for purposes of the Congressional Review Act (CRA) (5 U.S.C. 801, et seq.). Generally, under the CRA, a major rule takes effect 60 days after the date on which the rule is published in the Federal Register. Section 808(2) of the CRA, however, provides that any rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and

public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.

As previously stated, because this interim final rule merely reflects statutory changes and removes obsolete regulatory provisions and, in the case of new §690.64, protects students from receiving reduced amounts of Pell Grant funds, there is good cause to waive the delayed effective dates in the APA and the CRA and make this interim final rule effective on the day it is published.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under FOR FURTHER INFORMATION CONTACT.

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Dated: July 6, 2012

David A. Bergeron,
Acting Assistant Secretary for
Postsecondary Education.

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